

Health and safety and the GIG economy

A guide for UNISON health and safety representatives

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How to use this guide

This guide is aimed at UNISON branches and safety reps. Its aim is to explain how:

- the GIG economy has affected the health and safety of UNISON members
- branches and safety reps can campaign and organise in the GIG economy.

It will explain:

- what the GIG economy is, and its relevance to health and safety
- health and safety regulations and how these apply to GIG economy workers on temporary and casual working contracts
- how these working arrangements affect the health and safety of UNISON members in the various settings in which they work - including a check list of the type of hazards they face
- the implications of casualised working on how UNISON members are organised and represented around health and safety.

The guide is arranged so that you can easily find the sections most relevant to where you work. For example you may be looking for advice on how to support a particular group of workers, or tackle a specific health and safety issue. Alternatively, you may be looking for organising and campaigning ideas if you have members where services and employment practices are being replaced by GIG economy working - including where employers are hostile to trade unions. Where available, case studies are provided to give you practical ideas on tackling these problems.

The GIG economy and its effect on workers' health and safety

Temporary, part-time and casual contracts have long been a feature of the labour market. However in recent years the drive towards insecure forms of employment has intensified with the emergence of zero hours contracts. The term "GIG economy" often has slightly different definitions and meanings and is used to describe a number of working practices. For the purpose of this guide it is used to describe anyone who works through short term, temporary

contracts and does not have a permanent contract.

UNISON members are employed in the GIG economy across all sectors including health, social care, education, housing, catering and cleaning. They face the same health and safety hazards as permanent established staff, except that the risks of all of these are magnified by:

- working for a variety of employers with varying standards of safety and working practices
- continually having to adapt to different and unfamiliar working practices and environments, learning new skills, using different equipment and working with different people who may have varying levels of knowledge and expertise
- in some cases having fewer and inferior legal rights, with regard to both health, safety and welfare and rights of representation
- often working in less organised/unionised workplaces.

Health and safety law

Who is responsible for managing the health, safety and welfare of GIG economy workers, and what are they required to do?

The "duty holder" is responsible for the health and safety of their workers. They are legally required to carry out risk assessments so that they can identify all reasonably foreseeable hazards and do everything that is reasonably practicable to eliminate, or failing that, minimise, them.

The duty holder is the person or organisation that is responsible for the worker's day to day safety on the premises or environment where they are working. For workers where the person or organisation who employs them and pays their wages, also controls the premises or environment they are working in, then that is their employer.

However, with the growth of the GIG economy, many workers find themselves working on premises that are not controlled by their employer, and this

can lead to confusion about who the duty holder is. However, as with all workers, the primary duty holder remains the person or organisation who is responsible for the premises or environment where they are working, and therefore is in the best position to identify and risk assess the hazards of the work required.

So, if you are employed by an agency to carry out work at, for example, a school, it is the school who is the duty holder. However, the employment agency also has legal responsibilities. They must take reasonable steps to assess any known risks and, before the work starts, be satisfied that the main duty holder (where the employee will be working), has taken steps to prevent or control these risks. They must also take reasonable steps to ensure the worker has the experience, training, competence and qualifications necessary, to do the job safely.

The agency and duty holder both have a legal duty to work together to ensure the workers' safety.

GIG economy and the self-employed

Many GIG economy workers work on zero hours contracts and do not have a written contract of employment. However, this does not mean they are self-employed.

Enforcement authorities, such as the Health & Safety Executive (HSE) look beyond whether someone has a written contract of employment, when deciding whether someone is genuinely self-employed. What they look at is the level of freedom a worker has over how they work, including deciding exactly how, when and where something is to be done. As most UNISON members working on zero-hours have no such freedoms, it is unlikely they would be considered self-employed. They consequently would be entitled to the same health and safety rights as other workers.

Where an organisation has contracted a self-employed worker to provide a service they still have a basic duty of care to them (as they would a member of the public). However, they don't have the same health and safety responsibilities as they

do with other workers. For example, they don't have the same duty to provide training or protective equipment.

The conciliation service, "ACAS", provides extensive guidance on the differences between "workers" and the "self-employed" (see Appendix for details).

To find out more about the different types of contracts that UNISON members work under, read the UNISON Guide "Bargaining on contract types" (see Appendix).

Rights of safety reps

All employers must consult employees on health and safety issues. Wherever UNISON has a recognition agreement with the employer, this must be through their safety reps. These are appointed by UNISON and have legally protected "functions" (ie rights). These include representing members, carrying out workplace inspections and investigating potential hazards, complaints, and incidents. For more information on the functions and rights of safety reps read "Health and Safety – the Basics; a guide for new *UNISON Safety Reps*" (see Appendix).

However, even where UNISON does not have recognition agreements, employers still have a duty to consult with their workers, either directly or through "a representative of employee safety". These representatives have limited powers regarding workers' representation and investigating incidents and fewer rights than trade union safety reps. Information on all forms of worker representation is available from the HSE website (see Appendix for details).

For information on how UNISON can organise around health and safety in all workplaces, including those where UNISON is not recognised, please read the organising section of this guide.

We will now set out the various working conditions under which UNISON GIG economy workers are employed and how the principles set out above should be applied.

Types of GIG economy working

Bank workers (attached to one employer)

These workers are usually employed on a “zero-hours” basis, having no guaranteed/fixed hours, and only paid for the hours they work.

In some cases, such as “banks” attached to large NHS trusts, these are well established with employer and “end-provider” being one and the same. Staff can expect to enjoy the same health and safety protections as their permanent colleagues, and as they often work for the same employer and in the same location, should have a clear understanding of who is responsible for their health and safety. This should bring with it some consistency and continuity regarding workplace policies and working conditions. However, these staff may still have to adapt to different work settings, colleagues and work patterns, so it is important branches and safety reps ensure employers include these considerations in their risk assessments.

In other cases, particularly in the social care sector, an employer may set up a bank that provides staff for a multitude of nursing and care homes located all over the country. In these cases although the employer and “end –user” are one and the same, their staff would be expected to work, often from one day or week to another, in completely different types of care or nursing homes. These could be geographically scattered, mean working with patients with vastly different needs and with facilities and equipment of varying quality. Again it is important that branches get employers to include these considerations in their risk assessments.

Agency staff

Staff may be employed by an agency but then contracted to different service providers. Examples of the sort of staff these agencies employ include nurses, care assistants, cleaners, kitchen and catering staff, teaching assistants and porters.

While some agencies specialise in particular occupations like cleaning, catering, and social care,

others operate across all sectors employing staff with differing skills and standards of training.

The agency has a duty to ensure their “employees” have the skills to do the job safely and must take “reasonable steps” to satisfy themselves they are sending staff to safe places to work.

However, it is always the “end user” or “service provider” that is responsible for the day to day safety of staff on their premises.

Both the agency and the end user have a duty to work together so that the worker has:

- information on any known risks before they start the job
- adequate and sufficient information, instruction and training to do the job safely
- protective equipment, provided at no cost to the staff member
- information about how to raise any health and safety concerns.

“Home care” or “home-support” workers

An increasing number of UNISON members are employed to care for people in their own homes. They can be employed by local authorities or privately-run agencies. While some may be on permanent or fixed term temporary contracts, an increasing number are on zero-hours contracts, and are only paid for the hours they are working.

In other cases the care worker is directly employed by the patient/resident or the patient/resident’s family. In these cases, with the exception of where the duties were exclusively of a “domestic” nature (see below), the patient or their family would have the same health and safety duties to their employees, as any other employer.

There have been cases where the patient claims that the care worker is self-employed. However, as we’ve already seen, the care-workers is not self-employed just because there is no written contract of employment. Self-employment depends on the level of freedom the worker has in deciding how

the job is done. ACAS provides detailed guidance on the rights of personal care workers, including a comprehensive explanation of when such workers can be considered as genuinely “self employed” (see Appendix for more details).

Health and safety legislation does not apply to anyone providing “domestic service” in people’s own homes, but this exemption is unlikely to apply to those working for the NHS, local authorities or specialist employment agencies - and the overwhelming majority of UNISON members. “Domestic service” only applies to those employed to provide *exclusively* non-specialist activities that are ordinarily considered part of running a household. These would include routine cleaning activities, such as Hoovering and washing up. Anything that requires specialist skills/training such as specialist deep cleaning/hygiene, manual handling or healthcare activities would be covered by health and safety legislation.

Construction projects

Some UNISON members are employed, often on short term or zero hours contracts, on construction projects where there are potentially a number of different duty holders. As this could cause confusion the Construction (Design and Management) (CDM) Regulations were introduced to spell out the duties of all the potential different “duty holders”. These include:

- “The Client” who is the person or organisation for whom a construction project is carried out. Their primary duties are to make sure that the other appointed duty holders are competent, and have sufficient time/resources to carry out their allocated tasks.
- The “Designer” who is responsible for preparing and modifying designs for a building, product, system etc, both during its construction and maintenance, and must take into account the health and safety issues arising from the processes and products they select.
- The “contractor” who is responsible for planning, managing and monitoring the construction work under their control.
- “The Principle Designer” and “Principle

Contractor” whom the client must appoint when the project involves more than one contractor.

The term “construction” covers a wide range of activities affecting UNISON members including construction, renovation, repair, decoration, some cleaning activities, installation and maintenance of electrical, gas, telecommunications and computer services.

HSE guidance emphasises the importance of all these duty holders consulting with workers and their trade union safety reps on matters that affect their health, safety and welfare.

Note that larger construction projects are notifiable to the HSE. However, even if they are not notifiable, the CDM Regulations still apply.

For further details on the CDM Regulations, including their scope, go to the HSE website (see Appendix).

The effect of the GIG economy on health and safety

Information and training

Workers on temporary/casual contracts often miss out on basic health and safety training and information. Sometimes this is due to:

- the hours staff work, including the unsocial shifts and rotas that are most difficult to fill
- employers not thinking it worth their while.

Whatever the reason, employers must provide clear instructions, information, and adequate training for all those working on their premises. Failing to do so is a breach of the law, for which they could be prosecuted.

Lone working

Where staff are working alone, the risks of any hazard are increased. This is because they could be unable, or could find it harder, to get support should they get injured or run into difficulties. In the case of workers on casual or zero hours contract the risks are even further magnified as they often don’t

get, or find it harder to access, the support other workers receive. Some of these issues, such as manual handling, violence and travelling at work, are explored in more detail below.

Employers should make sure:

- they know where all lone workers are working
- that all lone workers know what to do and who to contact should they get into trouble
- that help can be provided if required.

To find out more about these issues read the UNISON guide and leaflet, "Lone working", available from the online catalogue. See Appendix for further details.

Stress/bullying

Employers have a duty to risk assess stress in the same way as they would any other hazard. According to the HSE, stress accounts for 40% of all cases of occupational ill health.

GIG economy workers are among those most likely to be victims of stress. They are more likely to be affected by job insecurity and, because they often don't have the same rights as permanent staff, are at increased risk of bullying and being forced to take on unrealistic workloads. They are also more likely to feel marginalised and isolated. To get a better understanding of stress and its causes UNISON has produced some wide ranging campaigning materials including guides and campaigning toolkits (see Appendix).

Aches, pains and strains (or musculoskeletal disorders (MSDs))

MSDs, along with stress, are a leading cause of occupational ill health - accounting for 39% of all cases (HSE). MSDs, whether they occur because of standing or sitting for too long, carrying/lifting/doing too much or too often, are usually caused by a failure to adapt work to the needs of the worker, and once again it is the needs of GIG economy workers that are so often over-looked.

Case study

Liz was a care worker for an agency who had been given an assignment working at a local nursing home. She was caring for older patients with varying degrees of mobility and other health issues such as dementia. As part of this assignment she was required to lift a patient into a bath, using the hoist provided. However, the patient became confused while she was being lifted, started to struggle, and slipped from the sling. Liz managed to break the patient's fall but only at the expense of sustaining a back injury for which she was off work for a month. As Liz had earned less than £113 per week from that particular employer, she did not even receive statutory sick pay.

It later came to light that the patient had a history of sometimes violent behaviour, linked to her dementia but this information had not been included in the patient's notes shared with Liz. In addition the hoist/sling used to move the patient was of a slightly different size to that which had previously been used, even though Liz was informed that this sling had been used before for this patient, and was the only one available. Liz had basic training but not extensive experience, of using slings and hoists.

Key messages

Risk assessments on manual handling should take into account the training of the employee, the environment and equipment used, and the patient (or load). In this case none of these took place. The agency failed to provide adequate information on Liz's experience and training. The nursing home failed to provide sufficient information on the needs of their patients, failed to provide adequate equipment and failed to carry out a full and comprehensive risk assessment.

If any member is faced with inadequate equipment they should immediately raise their concerns with their manager, employer,

UNISON safety rep or steward. This is important for not only their safety, but also that of their colleagues and their patients/clients. If they are injured as a result in any way, they should fill in the accident book, recording in as much detail as possible and speak to their UNISON rep.

For more information on these issues read the UNISON guide and leaflet, “Aches, pains and strains”. For advice on raising concerns regarding the safety of patients read the UNISON guide “Duty of care handbook”, both are available from the UNISON online catalogue (See Appendix).

Hazardous substances

Virtually all workplaces contain hazardous substances. These can vary and include:

- highly explosive or toxic chemicals in a laboratory
- medicines or biological agents in a hospital or nursing home
- everyday cleaning agents, such as bleach
- photocopying toner in an office.

Whatever jobs we do, the chances are we come into contact with substances that if not managed properly could do us harm. That is why regulations such as the *Control of Substances Hazardous to Health Regulations (COSHH) (2002)* and *Explosive (2014) Regulations* explain in detail how these hazardous substances must be risk assessed.

Controls include:

- using less toxic alternatives
- reducing emissions
- keeping safety data sheets describing how these products must be stored
- providing correctly fitted personal protective equipment (PPE) at no cost to the worker.

Again it is often workers on short-term/temporary contracts that are most at risk. They are less likely to be familiar with the dangerous substances they are required to handle (which is why accurate up to date data sheets are so important) and are often provided with poorly fitted PPE.

Case study

Jean, a temporary cleaner employed through an agency, was employed to work for a large NHS acute trust. Although an experienced cleaner she had not worked in the NHS before. She was asked to deep clean an operating room using a chlorine containing substance. The room was poorly ventilated and although a face mask was provided, it didn't fit properly. The data sheet was missing, and when she mixed the substance with hot water, she started to develop breathing difficulties and nearly passed out. Although she later made a full recovery, she had to take the remainder of the day off.

Key messages

A full and proper risk assessment would have taken into account:

- *the training and experience required compared to that possessed by the staff provided*
- *the product being used*
- *the controls needed, including adequate ventilation and properly fitted PPE.*

None of these occurred. Although Jean was an experienced cleaner, she hadn't worked in the NHS before. She had only used chlorine in the form of less concentrated domestic products, not in a professional capacity, and she had no experience of using the highly concentrated chlorine tablets that are used in health care to tackle Clostridium difficile and other super bugs. If she had done, she would have known to only mix chlorine with cold water, and to do so in a well ventilated room.

Members should always read or listen to any advice on the use of hazardous substances, whether it be safety data sheets, product labels or advice from colleagues. If they don't think they have been provided with all the information they need they should report their concerns to their manager, and inform their local safety rep

or steward. Similarly if they begin to feel unwell after using the products, however minor the symptoms, they should inform their manager, making a record of their symptoms, what they were doing, and the substances used. They should also speak to their local rep.

Make sure your employer is doing everything required to keep your members safe by reading UNISON guide on “Hazardous substances at work”. And check out the UNISON leaflet and report “Keeping clean and keeping safe” on use of cleaning products (See Appendix).

Uniforms

Workers such as home support workers, and care/nursing home staff are often only provided with one uniform, which they are expected to personally clean every day. They then have insufficient time to get it dry in time for their next shift, and have to wear it while it is still damp.

Although regulations covering PPE (see above), do not apply to uniforms, they do apply to protective clothing, such as aprons, that may be worn over uniforms or normal clothing to control the risk of contamination from hazardous substances. In the event of contamination of uniforms, or personal clothing, there should be spare clothing available for staff to use. Risk assessments should identify how uniforms or protective clothing could become contaminated and how decontamination will be carried out. For more details on what is defined as protective clothing and PPE go to the HSE website (see Appendix)

Where they have to meet any of the cleaning costs out of their own pocket, staff are entitled to claim tax relief of up to £60 per year. They cannot claim if their employer takes care of the cleaning, by either providing cleaning tokens or free cleaning facilities. If their employer part funds any costs, that amount would be deducted from what staff can claim. Further information is available from the HM Government website (see Appendix).

Driving, cycling and walking at work

Employers are responsible for the health and safety of their employees while travelling as part of their work. This duty applies to any mode of travel whether it is driving, cycling, walking or using public transport.

Many homecare workers’ wages are calculated by requiring them to “sign in” and “sign off” when they enter and leave a client’s home. However travel must be taken into account when calculating the legally minimum hourly rate, and similarly the employer’s obligations under health and safety law extends to travel time between work assignments (although not between home and work).

If you are required to drive as part of your job your employer has a duty to ensure that:

- you are legally entitled to drive the vehicle
- you are properly trained, competent and fit to drive it safely
- the vehicle is safe to use, and is serviced in line with manufacturers’ recommendations, insured for business use and, where it is over three years old, has a valid MOT certificate. Although it is not mandatory for employers to pay for this, it is good practice, for employers, sometimes directly but otherwise through a mileage allowance, to contribute to the running and maintenance of a vehicle.

The HSE has produced a checklist of what employers should do to keep their workers safe while driving at work. This includes ensuring work schedules are realistic, and taking steps to stop employees from driving if they feel sleepy - even if this might upset delivery schedules.

In addition to the HSE, the Royal Society for the Prevention of Accidents (RoSPA) has published useful guides for managing road risk (see Appendix).

Despite this, UNISON constantly hears of homecare workers being given unrealistic times for travelling between clients, often having to spend long periods driving alone. Risks for these workers include fatigue,

long hours, sleep disrupting shift patterns, and the possibility of breaking down in isolated areas. These risks can also be increased when employers expect staff to use their own vehicles (which is more likely to be the case for those on temporary or more insecure contracts) as low pay can lead to compromises on vehicle maintenance. These should be taken into account when risk assessments are carried out.

Similarly many members, particularly home support workers, have to walk or cycle between clients, often in cold/ wet/icy conditions, and through dark and poorly lit isolated areas, where they may be vulnerable to attack and find it difficult to get help.

As with driving for work purposes, if someone is required to cycle as part of their job employers would be expected to take reasonable steps to ensure they are safe to do so.

A case study on cycling for work, and how UNISON has helped our members, can be found in the section titled “Ethical Care Contract” (see page 13).

Violence and aggression at work

All public facing staff are at risk of assault, whether it be physical or verbal. UNISON has a history of campaigning over a number of years for improved legal protection from assault for all public service staff. However, the most effective way of preventing assault remains robust risk assessment. Once again it is important that the needs of GIG economy workers are taken into account. It is important, for example, that all staff know who to contact in an emergency, how to use any equipment provided, and are informed about the needs/requirements of particular service users, including any behavioural issues. Further information on preventing violence at work is available through the publication “*It's not part of the job*” available from the UNISON online catalogue (see Appendix).

Case study

Karen, a UNISON member, was working as a locum for a charity run housing organisation, when she approached a resident asking him to turn down the volume of the music. The resident responded by assaulting and killing Karen. The resident had been the subject of a hospital order since the 1990s, and had a history of assaulting staff and patients.

Staff had repeatedly raised concerns as to whether the housing association was equipped to manage such a patient. After the incident, although UNISON did not have a recognition agreement, it wrote to the housing association offering advice in reviewing existing health and safety policies and advice on the support that should be providing for staff. The housing association turned down this offer. Six months after this correspondence the perpetrator of the attack was convicted of murder, and sentenced and jailed for a minimum of 24 years. At the conclusion of the trial a former employee of the charity wrote to a well known national newspaper criticising it for not doing enough to prevent the attack, severely damaging its reputation.

Key messages

This employer failed in one of its basic duties in failing to carry out a full and proper risk assessment. In addition it failed to listen to the concerns of its staff, and even after the event refused to engage with UNISON, leaving it even more open to criticism when the case eventually came to court.

If a member believes they are being asked to work in a situation that is an immediate risk to their health and safety they should, as a matter of urgency, seek the advice of their UNISON representative. The HSE has set up a hotline for workers to contact if they believe that their employers are putting their safety at risk. However UNISON would advise members, unless they believe they are in immediate

danger to, wherever possible, speak to their UNISON rep first. Advice on whistle-blowing is available from the UNISON website.

Case study

Janis, a homecare worker on a “zero hours contract”, had an appointment to visit a client at 6:15pm. On arrival the client shouted at Janis for being too early. Janis rang her employment agency for clarification over the time, and they informed her she had arrived at the correct time.

Janis explained this to the client, who although still unhappy, initially consented to be undressed in preparation for a wash. However the client then physically assaulted Janis. Janis had not been trained in how to manage or restrain clients with such challenging behaviour, despite the client having a record of such conduct.

However Janis calmly withdrew from the situation and again phoned for advice. She was advised there was nothing that could be done, she had to complete all the tasks required and then fill in an incident report on her return to the agency the following morning. She was also reminded that she wouldn't be paid for the assignment unless she completed the appointed tasks. Janis went back into the client's room, and continued with the care despite constant verbal abuse.

Key messages

By insisting Janis continue with the appointment regardless, the agency was putting her health and safety at risk. Janis should have been empowered to withdraw, at least initially, so that the required additional support could be provided. Although the agency may have been correct in ensuring the incident was properly recorded, their first priority should have been to ensure Janis came to no harm. As the client had a previous record of challenging behaviour, good practice would

have been to ensure Janis was accompanied by a colleague for the appointment. Failing that, Janis should at least have been trained in managing such situations.

Finally although the client may have been confused, this was not an excuse for either physical or verbal abuse. By insisting Janis carry on with caring for the client regardless, this could have been interpreted by the client that such violent and abusive behaviour was acceptable, when it clearly was not.

If a member believes they are being asked to work in a situation that is an immediate risk to their health and safety they should, as a matter of urgency, seek the advice of their UNISON rep.

As a result of these and other such incidents UNISON launched an **“End Violence at Work Charter”** aimed specifically at employers in the community and voluntary sector, and in particular housing associations. This 10 point charter calls on employers in this sector to implement a number of measures including:

- providing a written violence and aggression at work policy
- conducting thorough and robust risk assessments
- encouraging staff to report incidents
- reducing numbers of staff working in isolated buildings
- training staff in dealing with threatening incidents.

To find out more about the Charter go to the UNISON website (see Appendix)

Organising

How branches have organised around the GIG economy

GIG economy working has posed new organising challenges for UNISON's branches. Where they are employed by one employer (where there is already a recognition agreement), and working in the same location, it is easier to incorporate into the existing branch structure. In other cases they could be working in completely different settings, work locations, and in some cases, even different employers.

Supply teaching assistants for example may work for one school/employer one day, but then a completely different one the next. A care assistant working for an agency run by one of the large chain of care providers, may nominally be working for the same employer, but for completely different care homes. These may be many miles apart, with different types of patient, and facilities and equipment. In the worse cases they may be no recognition agreement.

All of this means that branches and their safety reps have to be flexible when it comes to providing support to members. Regions and branches vary in how they have met these challenges. Some regions have set up community based branches that specialise in representing members working in the community, often with insecure working conditions, such as care assistants, residential and home support workers. In other cases local government branches have continued to support members working for services that have been contracted out.

Safety reps may have to adapt their ways of working to the needs of members. For example safety reps are normally appointed to represent members in specific workplaces. This can pose obvious challenges because temporary workers are likely to be working in different workplaces from one day or week, to the next. Where staff work in people's homes, safety reps will be unlikely to have the opportunity to inspect the workplace which may, in turn, limit their ability to investigate potential hazards.

Despite these limitations, wherever UNISON has a recognition agreement with the employer, safety reps

still have significant powers. They still have the right to be consulted on any measures that might affect the safety of these members, including workplace policies, any information provided and introduction of new technology.

Wherever the member is working, the employer should take reasonable steps to ensure their safety, and our safety reps should ensure that the employer is doing this.

Ethical Care Charter

In 2013 UNISON launched its *"Ethical Care Charter"*. This called on local authorities, when commissioning homecare services, to establish "a minimum baseline for the safety, quality and dignity of care by ensuring employment conditions". As well as improving pay, terms and conditions it has also had a positive effect on the safety of both staff and patients, by:

- allowing for adequate travel time between clients
- increasing the time staff were able to spend caring for clients
- reducing the isolation of homecare workers
- ensuring workers are covered by occupational sick pay.

Case study

"One time, for a previous employer, it was an agency, I was on a push bike and they had me doing four split shifts; breakfast run, lunch run, dinner run, tea run. I worked it out: 56 miles in one week, and that was over the winter and I didn't get paid for it".

"However this job is different. So I get my wage and travel time included and then the mileage as well. So in terms of pay, terms and conditions, it really makes a difference."
(Taken from Moore, S (2016) *An evaluation of UNISON's Ethical Care Charter*. London: University of Greenwich)

Key messages

The Ethical Care Charter has shown the difference UNISON can make. Working in partnership with local authorities and some

employers, the Charter has helped UNISON in protecting the health and wellbeing of its members, as well as their pay and conditions of service. For example a survey of providers, commissioned through Reading Borough Council (one of the signatories to the Charter), revealed that all but one of providers of homecare services in that local authority, now fund the provision of uniforms.

For more information on the Ethical Care Charter go to the UNISON website (see Appendix).

Organising where there is no recognition agreement

If there is no recognition agreement the rights and powers of safety reps will not apply. However even in these cases, employers still have a duty to protect and consult with their workers over their health and safety. UNISON can use health and safety to protect UNISON members and as a tool to gain recognition.

Case study

A council in the North West of England re-commissioned services. This meant that that whereas staff were previously contracted to specific care homes, they were instead employed by a "Bank", and expected to work all over the local authority at different care homes many miles apart. The UNISON local organiser explains how the branch responded to this challenge:

"Although these have been difficult times we have worked hard to maintain and reach new recognition agreements and make sure both existing and new members feel part of our branch. For these new workers we currently don't have recognition agreements, but we have still have been able to support them. For example we provided them with torches to help them when they had to travel and use poorly lit car parks, which many of these homes had. The idea of key ring torches came to light via the members concerned about the issue.

"By campaigning for both the new and original membership, together we have increased membership from less than 30 to over a hundred. The employer was very against us, but they are coming round and have finally started listening to their staff. These employees said that this would not have happened before UNISON got involved and they are starting to see improvements."

Case study

A Council commissioned an agency to run a homecare support service employing staff on "zero-hours" contracts. The wages they paid were, with travel time included, just above the minimum wage of £7.83 per hour. But because they were only prepared to pay 12p per mile to cover travel, staff were effectively out of pocket for their travel costs. There were also significant health and safety issues, for example one worker was bitten by a dog when visiting a client. Neither the care plan or risk assessment made any mention of the risks the dog posed, even though other fellow residents confirmed that the dog had a previous record of attacking people. However as the local regional organiser explained:

"At the moment we have no recognition agreement with this employer which obviously limits the support we can provide for these members. All these issues have helped us in our efforts to get enough signatories from staff to force the employer to sit down and talk with us, and reach a recognition agreement. We are also helped by a recognition agreement we have with a different employer that provides similar services, and also uses zero hours contracts. This has proven to have had benefits for both staff and managers. Staff because they feel safer and more secure in their jobs, management because the quality of their services have improved, and their staff turnover has been reduced".

Key messages

The above two cases shows what UNISON can do, even when dealing with the most hostile of employers. If employers refuse to recognise UNISON, branches still have the opportunity to show that unions can make workplaces safer.

Roving safety reps

The TUC and UNISON have campaigned for the existing rights of safety reps to be extended to roving safety reps. Normally a safety rep can only act on behalf of workers who work for the same employer, and in the same workplace. A roving safety rep would cover multiple employers and workplaces. So far the government has resisted these demands. However, there have been cases where unions have successfully negotiated the use of roving safety reps. To help branches decide whether roving safety reps would work in their workplaces the TUC has produced a guide “Safety Representatives: getting more than the minimum” with examples of where they have worked, including some from the voluntary and local government sectors (See Appendix for details).

Contact details

At the very minimum make sure UNISON members know how to contact the union if they have a problem. This could be through a poster in the workplace with contact numbers of safety reps or stewards, or simply reminding members they can contact UNISON through a branch contact number, or the UNISON helpline (0800 0 857 857) which they can find on their membership card.

Branch check list

- ☐ How many and what type of GIG economy workers work in your branch?
- ☐ What type of contract do they work under, and who is responsible for their health and safety?
- ☐ Are employer/employers in your branch aware of all such staff working on their premises, and have they included them in their risk assessments?
- ☐ Do all GIG economy workers have all the information and training they need to keep them safe?
- ☐ How many staff work alone?
- ☐ Do they know who to contact in an emergency?
- ☐ Can help be provided should they get into trouble?
- ☐ Have GIG economy workers been included in all relevant stress risk assessments?
- ☐ Have the needs of GIG economy workers been included in manual handling risk assessments?
- ☐ Have they been trained in the use of manual handling equipment?
- ☐ Have they been correctly trained in the use of hazardous substances?
- ☐ Are they required to use PPE?
- ☐ Have they been trained in its use?
- ☐ Does it fit them?
- ☐ Are staff are required to wear a uniform? If so:
 - does the employer provide them with more than one set, and ensure they are able to wear a clean dry uniform every shift?
 - do employers provide facilities or funding to clean their uniforms?
 - are staff aware of their right to claim tax relief on the upkeep of uniforms or specialist clothing if the employer doesn't provide the facilities or funding to clean them?
- ☐ If they are required to travel as part of their jobs, are they paid and given sufficient time to do so?
- ☐ Where workers are required to care for people in their own home, have their patients been properly risk assessed?
- ☐ Are staff aware of mobility issues, or histories of challenging behaviour?
- ☐ Is your branch organised in a way that supports GIG economy workers?
- ☐ If your employer works in the social care sector, have they signed up to the *Ethical Care Charter*?
- ☐ Have you talked to your employer about using roving safety reps?
- ☐ Do all your members know how to contact UNISON if they have a problem?

Appendix (further reading)

Available from unison.org.uk/catalogue

Working alone: a health and safety guide on lone working for safety representatives
(stock number 1750).

Working alone leaflet **(stock number 3878).**

Guarding against stress: a toolkit for success
(stock number 3826).

Stress at Work - a guide for UNISON safety reps
(stock number 1725).

Aches, pains and strains: dealing with issues arising from manual handling, DSE and RSI: a guide for UNISON health and safety reps
(stock number 3827).

Aches, pains and strains leaflet
(stock number 3863).

Hazardous substances at work: a guide for UNISON safety reps **(stock number 3506).**

Hazardous substances at work: a guide for UNISON members **(stock number 3710).**

Keeping Clean Keeping Safe: report on the use of chemicals to combat superbugs
(stock number 3776).

Duty of care handbook **(stock number 2135).**

Keeping safe: A5 leaflet on the safety of cleaning materials **(stock number 3777).**

It's not part of the job: a health and safety guide for safety reps on tackling violence at work
(stock number 1346).

Violence at work - it's not part of the job: a leaflet (aimed at members) outlining what you should do if you are experiencing violence at work
(stock number 3910).

UNISON's ethical care charter
(stock number, 3179).

Available from unison.org.uk

UNISON (2016) *Bargaining on contract types*.

End Violence at Work Charter: information on charter (aimed at employers in the community sector)

Whistleblowing factsheet

Whistle-blowing and disclosure of wrong doing on health and safety - Q & A.

Moore S (2016) *An Evaluation of UNISON's Ethical Care Charter* by Professor Sian Moore Work, Employment and Research Unit, University of Greenwich

Information available from the **HSE** (hse.gov.uk)

Reporting a workplace health and safety problem
(HSE Hotline 0300 003 1647)

Driving at work: managing work-related road safety

Personal protective equipment

The Construction (Design and Management) Regulations 2015

Are you a safety representative? (also includes information on "representatives of employee safety")

Sites available at ACAS (acas.org.uk)

Employment status

Employing personal carers (includes information on the work of personal care workers)

Other resources

Claim tax relief for your job expenses
(gov.uk/tax-relief-for-employees)

Road safety resources for employers
(available from rospa.com)

Safety Representatives: Getting more than the minimum: a TUC guide to Roving Safety Representatives and Union Improvement Notices (available from tuc.org.uk)



Not in UNISON?

Join today at **joinunison.org** or call **0800 171 2193**
or ask a UNISON rep for an application form.